

PATENT APPLN. NO. 10/591,147  
RESPONSE UNDER 37 C.F.R. §1.111

PATENT  
NON-FINAL

REMARKS

*Status of the Claims*

Non-elected claims 11-14 and 16-27 have been canceled without prejudice or disclaimer to the filing of one or more divisional applications directed to the subject matter thereof under 35 U.S.C. § 121.

*Objection to the Abstract under 37 C.F.R. § 1.72*

A replacement abstract which corresponds to the elected subject matter as now defined herein is attached.

*Claim Rejections - 35 U.S.C. § 112*

Claim 15 has been canceled and the subject matter of claim 15 is now recited in new claims 28-30. New claims 28-30 are believed to avoid the reasons explained in the first three paragraphs on page 3 of the Office Action for the alleged indefiniteness of the claims.

Removal of the 35 U.S.C. § 112, second paragraph, ground of rejection is believed to be in order and is respectfully requested.

*Claim Rejections - 35 U.S.C. § 102*

Claim 15 is rejected in the Action under 35 U.S.C. § 102(b) as being anticipated by Dower et al., U.S. Patent No. 5,770,538. Applicants respectfully submit that Dower is insufficient to

support a case of anticipation of the invention as originally recited in claim 15 and as now recited in claims 28-30.

New independent claim 28 recites a method of removing a protective group of a nucleotide comprising the steps of forming storing regions and addresses identifying the storing regions on a track which can be tracked by an optical beam on a substrate; arranging in two or more of each of said storing regions a nucleotide having a protective group; selecting a storing region in which a nucleotide having a protective group is arranged by reading the address identifying said storing region by said optical beam; irradiating the nucleotide having a protective group and arranged in the selected storing region by said optical beam; and removing the protective group of the nucleotide having the protective group, wherein each of said storing regions has a form of a concave region or a convex region of a first pregroove on said substrate or a flat region on said substrate.

In the method of the present invention, it is easy to detect a position of a storing region and it is possible to effectively remove a protective group of nucleotide.

Dower does not disclose forming a track on a substrate which can be tracked by a optical beam using addresses identifying storing regions where a protective group of nucleotide is stored.

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Dower discloses a tag being directly bound to a support, but fails to disclose a storing region which is tracked by an optical beam and identified by an address and which has a form of a concave region or a convex region of a first pregroove on said substrate or a flat region on said substrate.

Dower does not disclose storing regions forming prepits or a pregroove on a substrate, and also does not disclose a position of an address that is different than a position of the storing regions. (as recited in claim 29).

Dower also does not disclose a method using plural optical beams each having a different wavelength.

Removal of the 35 U.S.C. § 102 rejection is believed to be in order and is respectfully solicited.

The foregoing is believed to be a complete and proper response to the Office Action dated December 23, 2008, and is believed to place this application in condition for allowance. If, however, minor issues remain that can be resolved by means of a telephone interview, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number indicated below.

In the event that this paper is not considered to be timely filed, applicants hereby petition for an appropriate extension of

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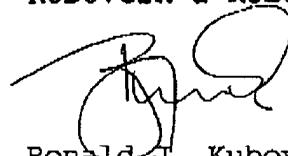
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time. The fee for any such extension may be charged to Deposit Account No. 111833.

In the event any additional fees are required, please also charge Deposit Account No. 111833.

Respectfully submitted,

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